

RE: R-05-0037, Petition to Amend Various Rules of Procedure Related to Verbatim Recording of Judicial Proceedings -- COMMENT SUBMISSION BY MARICOPA COUNTY BOARD OF SUPERVISORS, THROUGH ITS CHAIRMAN, DON STAPLEY

TO WHOM IT MAY CONCERN:

The comments submitted by Supervisor Don Stapley on behalf of the Maricopa County Board of Supervisors are misinformed, hostile, lacking virtually any credible supporting evidence and, ironically, in many ways underscore the main point the Arizona Court Reporters Association (ACRA) has been making since the Committee on Keeping The Record (KTR) began more than two years ago. From the beginning, ACRA has posited that the primary concern of many administrators, particularly those in Superior Court in Maricopa County (MCSC), has been financial; an accurate, complete, professionally-prepared record is secondary in their minds, and Chairman Stapley makes a compelling case for our argument.

His comments are often so insulting to many dedicated volunteers -- not to mention the entire Judicial Branch -- and lacking in fundamental understanding, that they lack credibility. However, a brief response is warranted.

COST SAVINGS

In his comments, Chairman Stapley makes the following statement:

The savings in personnel, benefits and overhead costs in stemming the growth of court reporters pays for the technology. Maricopa County has seen these savings come to pass.

However, to our knowledge, ***not one independent financial audit*** has ever been conducted to verify these claims made by Chairman Stapley and members of MCSC administration. His statements, and others of a similar nature, are made by the very people who promoted use of technology as a guarantee of long-term cost savings, and the politicians who voted accordingly. To date, they have yet to put those claims through the rigors of an independent financial audit to determine if, and where, any such savings have occurred.

Until such an audit happens, any such claims should be considered with great skepticism.

ELIMINATION OF COURT REPORTERS

Chairman Stapley also makes the following comment:

An over one million dollar outside court reporter budget was eliminated, growth in new court reporter positions has been stopped and even declined, and some vacant court reporter positions have been collapsed

and the monies reallocated.

We thank Chairman Stapley for making one of our key points.

Despite all protestations to the contrary, it is the absolute intent of the Maricopa County Board of Supervisors to eliminate certified court reporters in all ways possible. Chairman Stapley's comments are some of the strongest yet to prove our assertion: in Maricopa County, a quality record comes second to saving money.

PROCESS

The Committee on Keeping The Record, on its website, began with the following statement:

Certified court reporters are highly trained, valuable professional members of the justice system. Their skills are important to the provision of justice and, like all resources, are limited in their availability. The court system needs to ensure these resources are utilized efficiently and not wasted by using a court reporter to make a record in proceedings where a record is unlikely to be needed.

"The Keeping the Record Committee was established to review current methods used for keeping the record of judicial proceedings and conduct a comprehensive review of relevant state statutes, court rules and administrative code sections for modernization to ensure that certified court reporter resources are utilized effectively, efficiently and appropriately.

This statement set the stage for nearly two years of work, marked by endless discussion, debate, disagreement, resolution and ultimately, compromise among many differing viewpoints.

The Committee on Keeping The Record was chaired by Justice Michael Ryan, a veteran of the Arizona Court of Appeals and notably, the Superior Court in Maricopa County. As a seasoned trial judge, Justice Ryan brought a healthy balance to many discussions.

KTR had 22 other appointed members. 12 of those members -- more than fully one-half - were either judges, court administrators or, in one case, the Clerk of the Court for Maricopa County. Of those dozen court officials, 33 percent were directly related to MCSC: the Presiding Judge, the Judicial Branch Officer, the Justice Court Administrator and the Court Clerk. In addition, a representative from the Maricopa County Attorney's Office was a member of KTR. Also, a staff member of MCSC in charge of electronic recording technology, though not a member of KTR, participated fully, including the drafting of potential rules changes.

The ***entire*** process, every single meeting, debate, discussion and report, was ***fully open to the public***. No one from any Board of Supervisors, including Maricopa -- including any

contract lobbyists (MCSC and the Maricopa County Board of Supervisors each have had well-compensated contract lobbyists for many years) -- ever bothered to attend in more than two years. The lobbyist for ACRA did indeed participate in the proceedings, though not because of any appointment or special treatment. He simply showed up, something Chairman Stapley or his representatives apparently had no time for in more than two years.

Also, it is ironic that Chairman Stapley seems to criticize ACRA for even hiring a lobbyist. As was stated, the Maricopa County Board of Supervisors has several lobbyists on full-time staff, as well as contract lobbyists. This is perfectly understandable and needed.

In addition, many Superior Court judges in Arizona belong to the Arizona Judges Association, which has an Executive Director who also functions as their lobbyist at the Legislature. Much like ACRA, membership dues to this private organization are paid for out of the pockets of its members (unlike ACRA, however, every single member of the Arizona Judges Association is, or was, a public employee). The number one goal each year of this association is to fight for a pay raise for its members; again, perfectly understandable and justified.

At best, therefore, Chairman Stapley's criticism in this area is narrow-minded; at worst, it is arrogant hypocrisy.

SUMMARY

The ACRA has, from the very beginning of KTR, expressed complete appreciation for the financial problems faced by administrators and elected officials. ***We are in complete agreement that court reporters should not be used unwisely, and that there is clearly a place in the courtroom for electronic technology.***

ACRA -- many members of which, it should be noted, are **not** public employees -- is absolutely concerned for the livelihoods of its members. We are required to be highly educated, trained, and professionally certified, through statute and rule, by the State of Arizona. We do so willingly, and as a result we take "keeping the record" very seriously.

For this reason, we will fight for our profession and the standards it upholds. And when misinformed, insulting and arrogant comments result -- for example, comparing highly-skilled, technologically capable, professionally certified court reporters to Luddites -- it is our right and duty to respond.

Thank you very much for your consideration.

Sincerely,

Vivian McClard, President, Arizona Court Reporters Association